



Proskauer Rose LLP 1585 Broadway New York, NY 10036-0289

Michael T. Mervis  
Member of the Firm  
d 212.969.3565  
f 212.969.2900  
mmervis@proskauer.com  
www.proskauer.com

November 18, 2010

**VIA FACSIMILE (609) 989-0435**

Honorable Tonianne J. Bongiovanni  
United States Magistrate Judge  
Clarkson S. Fisher Building & Courthouse  
402 East State Street  
Trenton, New Jersey 08608

RECEIVED

NOV 22 2010

AT 8:30  
WILLIAM T. WALSH  
CLERK

**Re: SPD Swiss Precision Diagnostics GmbH v. Church & Dwight Co., Inc., et al.; Case  
Nos.: 09-01802; 10-00276; 10-00453 (FLW)(TJB)**

Dear Magistrate Judge Bongiovanni:

We write on behalf of Church & Dwight Co., Inc. ("Church & Dwight") and SPD Swiss Precision Diagnostics GmbH ("SPD") to request an extension of the fact discovery cut-off in this matter.

Since the last telephonic conference with the Court on August 26, 2010, the parties have been proceeding diligently with the initial phase of document production. To date, the parties have negotiated and filed a comprehensive ESI Stipulation governing the manner by which electronically stored information will be produced; exchanged custodian lists; met and conferred regarding the search terms that each side proposes be run to locate potentially responsive electronic documents; and begun reviewing and producing responsive, non-privileged documents. Document review and production is continuing, and each party expects to continue document production on a fairly consistent, rolling basis.

Despite the parties' concerted efforts and the progress that they have made, the completion of all fact discovery (including document production, party depositions and third-party discovery) by the current deadline of January 10, 2011 is not feasible in light of the sheer volume of information that must be reviewed, produced and analyzed. As such, the parties respectfully request that the Court extend the fact discovery deadline as follows:

1. All document discovery is to be completed by February 21, 2011.
2. All depositions are to be completed by May 30, 2011.
3. Exchange of Opening Expert Reports by June 30, 2011.
4. Exchange of Rebuttal Expert Reports by July 29, 2011.

5. Telephone Conference to be initiated by Plaintiff: Jan 16, 2011 at 10:30 AM

Proskauer»

Honorable Tonianne J. Bongiovanni  
November 18, 2010  
Page 2

6. Deadline for completion of Expert Discovery: September 15, 2011.
7. Deadline for filing dispositive motions: October 14, 2011.

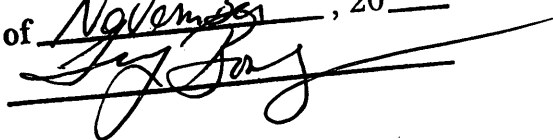
Assuming that the document production process proceeds in a smooth manner, with each party maintaining a fairly regular pace of rolling productions of documents, and also assuming that the flow of documents is not significantly interrupted by discovery disputes, the parties are confident that they can complete fact discovery within these proposed deadlines. In the event that something occurs to change these assumptions, the parties will promptly alert the Court accordingly.

SPD notes that this joint request for an extension is without prejudice to its request that the Court order the parties to engage "prioritized discovery," as described in SPD's October 25, 2010 letter to the Court, and SPD renews its request for a telephonic conference to address that subject. Church & Dwight opposes SPD's proposal, and will submit its response to SPD's October 25 letter by November 23, 2010.

Respectfully submitted,

  
Michael T. Mervis

cc: SPD's Counsel of Record

So Ordered this 22 day  
of November, 2010  


**ORDER ON ORAL MOTION**